

FILED BY *ulo* D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 MAY -3 PM 4: 53

FILED BY *38H* D.C.

05 APR 27 PM 2: 54

ROBERT R. DETROLIO
UNITED STATES OF AMERICA
W.D. OF TN. MEMPHIS
Plaintiff

v.

DAVID BEAU WARREN,
and
EWELL COOPER HAYNES,
Defendants.

Cr. No. 05-20048 MI V

42 U.S.C § 6928(d)(2)(A)
42 U.S.C § 6928(d)(5)
42 U.S.C § 6928(d)(1)
18 U.S.C § 2

ROBERT R. DETROLIO
CLERK U.S. DIST. CT.
W.D. OF TN. MEMPHIS

John McCall
JON WILLIAM McCALL
U.S. DISTRICT JUDGE
MAY 3 2005
DATE
MOTION DENIED
Please pursue by
letter to U.S.
Attorney

DEFENDANT EWELL COOPER HAYNES' MOTION FOR DISCOVERY

1. Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the defendant hereby requests copies of all items discoverable under subparagraphs (a)(1)(A), (B), (C), (D) and (E).
2. The defendant further requests notice of the government's intention to use any like and similar conduct on the part of the defendant, or other crimes evidence, should this case proceed to trial, pursuant to Rule 404(b).
3. The defendant further requests notice of any items seized by agents of the United States from the person or residence of the defendant which may or could be the subject of a motion to suppress evidence as per Rule 12(d)(2).
4. The defendant further requests notice of the use of any electronic surveillance or wiretap in this case.
5. This discovery request includes the production of information contained in the files or otherwise known to any municipal or state agency, civil, administrative or criminal in nature, which information has formed part of the decision to prosecute.
6. This letter also requests the disclosure by the government of "Brady"-type material as defined in United States v. Bagley, 87 L.Ed.2d 481 (1985). The defendant is hereby requesting any information the government may have that is favorable to the defendant and material either to guilt or punishment, including evidence going to the impeachment of a government witness. This "Brady"-type

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evidence is defined by Bagley as being "evidence favorable to an accused so that, if disclosed and used effectively, it may make the difference between conviction and acquittal," it specifically includes the possible interest of a witness in testifying falsely.

This discovery request includes the production of information contained in the files or otherwise known to any agent or employee of the Federal Bureau of Investigation and which may be contained in any "I-drive" or "I:\drive" file[s]. Defendant hereby requests that the government search such file[s] for any material which is subject to disclosure under 'Brady' and / or under the code sections set forth in paragraph 1 -5 above.

7. The existence, substance, extent, and the manner of execution or fulfillment of any inducement, promise, statement, agreement, understanding, or arrangement, either verbal, written, or implied, between the government and any of its agents and any prosecution witness, or his or her attorneys or representatives, for the purpose of obtaining said person's testimony, cooperation, or provision of information to the government wherein the government has agreed, stated, or implied action as to any of the following:

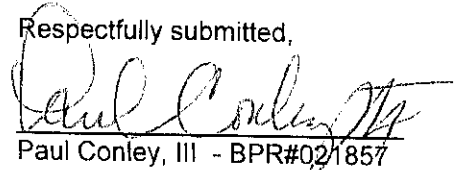
- (a) Not to prosecute said person for any crime or crimes, charged or uncharged.
- (b) To provide a formal grant of statutory immunity, or to provide an informal assurance that the person will not be prosecuted in connection with any testimony, cooperation, or information given.
- (c) To recommend leniency or a particular sentence for any crime or crimes for which he or she stands convicted or for which he or she will be charged or is expected to be convicted.
- (d) To reconsider or otherwise alter its present position towards sentence, prosecution, or other exposure based upon the nature and extent of the person's future testimony or cooperation relative to this or any other case.
- (e) To make any recommendation of benefit to the person or any state or federal agency.
- (f) To provide favorable treatment or consideration, that is, money, a job, a new location, etc., to the person himself or to friends or relatives of the person in return for his

testimony, cooperation, or provision of information.

(g) Not to prosecute a third party for any crime or crimes where the reason for not prosecuting said third party is the consideration to the person or witness.

(h) To make any other recommendations of benefit, or to give any other consideration to the person or friends or relatives of said person.

Respectfully submitted,

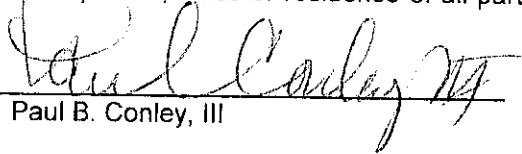


Paul Conley, III - BPR#021857
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Flippin & Atkins
P.O. Box 160
Humboldt, Tennessee 38343
731-784-2818

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing pleading was served on Mr. Joseph C. Murphy, Jr., US Atty. Off., Western Dist., 167 N Main St Ste 800, Clifford Davis Federal Bldg, Memphis, TN 38103, by mailing, postage prepaid, or by delivery to the person, office or residence of all parties or counsel of record this the 29th day of April, 2003.

By: _____



Paul B. Conley, III



Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:05-CR-20048 was distributed by fax, mail, or direct printing on May 9, 2005 to the parties listed.

Paul Conley
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Joseph C Murphy
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT